

Defence lawyer in the criminal proceedings

Abstract

The defending lawyer is an important institution in criminal law. With this institution a basic principal can be guaranteed, the right of defense.

This master's degree thesis is about the defending lawyer in criminal trials in the Czech Republic and Switzerland, its similarities and differences. It consists of an introduction, a body consisting of 7 chapters and a conclusion.

The first chapter deals with the historical development of this institution on Czech territory from the 18th century until the present time. It especially emphasizes the effect of historical events on modifications and on the practical observance of written law.

The next chapter defines the term defending lawyer under Czech law and explains how someone can become a defending lawyer. It specifies how a defending lawyer should conduct the defense case and explains the differences between elected and nominated lawyers. The following chapters analyse the rights and obligations of lawyers and methods of legal defense. Furthermore, they try to examine the importance and necessity of a defending lawyer in a criminal trial. On the other hand, they show the limitations of defense lawyers and their tactics. Additionally, they examine what disciplinary options are available e.g. to authorities if a lawyer violates laws or does not carry out his duties properly.

After that the Swiss regulations of legal defense are discussed. At the beginning the historical circumstances of the founding of the state and the contemporary structure of the state are described. For better orientation, the system of law is briefly outlined. The following chapter concentrates on the legal regulations of the defending lawyer. At the end of this chapter you find an expert interview with a Swiss lawyer, which was specifically conducted for this thesis.

The comparison of both legal systems in the last chapter of this thesis offer possible suggestion for improvement of Czech criminal law. It concludes with a comparison of the Czech and Swiss legal systems and underlines the different procedures in the Swiss system. This is usable as a *lege ferenda* for the Czech criminal law system.